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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,932	10/30/2003	James F. McGuckin JR.	1255	1044

7590
NEIL D. GERSHON
REX MEDICAL
1011 HIGH RIDGE RD
Stamford, CT 06905

08/24/2007

EXAMINER

SHAFFER, RICHARD R

ART UNIT	PAPER NUMBER
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3733

MAIL DATE	DELIVERY MODE
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08/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary	Application No. 10/696,932	Applicant(s) MCGUCKIN ET AL.	
	Examiner Richard R. Shaffer	Art Unit 3733	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Richard R. Shaffer. (3) Neil Gershon.
 (2) Eduardo Robert. (4) _____.

Date of Interview: 17 August 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____.

Claim(s) discussed: 1.

Identification of prior art discussed: van der Burg et al (US Patent 6,994,092).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

 8/17/07

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Neil Gershon contacted the USPTO to discuss the previous non-final rejection of claim 1 as being anticipated by van der Burg et al. Specifically, confusion was around what was being considered the proximalmost endpoint and distalmost endpoint for the filter sections. It was explained that since applicant was using terminology consistent with section/region/portion to define different parts of a monolithic strut member, that arbitrary sections of the prior art could be also be utilized to read upon the claim thereby having a "proximalmost end point of the filter/converging sections being located axially within the overall structure." Further, it was discussed that even if applicant amended structurally around van der Burg et al, that an additional analysis in view of the recent KSR v Teleflex decision would be used to state that the axially inward location of the converging/filtering sections would be obvious since adjusting where the end were going to be placed (equal or within) would have predictable results as well as most likely necessary if one would want to use the same sized occluder for a larger blood vessel .